

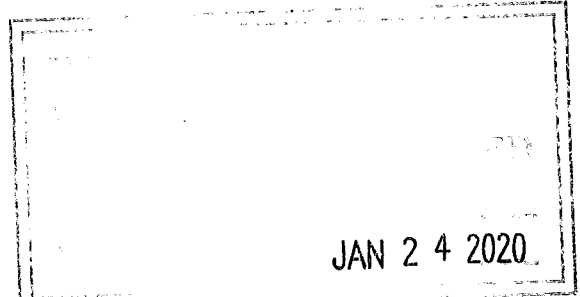
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January 22, 2020

BY ECF

Hon. Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007



Re: *United States v. Rodriguez*, No. 16-CR-7-AJN
Rodriguez v. United States, No. 19-CV-11662-AJN

Dear Judge Nathan:

Mr. Rodriguez filed a *pro se* motion under 28 U.S.C. § 2255 to vacate his convictions pursuant to *Rehaif v. United States*, 139 S. Ct. 2191 (2019). On January 6, 2020, the Court ordered the government to respond to the motion on or before March 6.

I write to respectfully request permission to file a supplemental brief in further support of Mr. Rodriguez's *Rehaif* claim on or before March 6 with the government's opposition brief to follow sixty days later. It should be noted that the form by which prisoners in federal custody, including Mr. Rodriguez, make § 2255 motions instructs pro se filers not to "argue or cite law." (Motion at 4 (Dec. 19, 2019), ECF No. 1).

Although Mr. Rodriguez will have an opportunity to reply to the government's opposition brief, a counseled opening brief that fully sets forth Mr. Rodriguez's claim for relief will focus the government's arguments and forestall unnecessary briefing. Accordingly, Mr. Rodriguez respectfully requests a scheduling order whereby Mr. Rodriguez is to file a supplemental brief on or before March 6, 2020, to which the government may respond on or before May 5, 2020. Mr. Rodriguez also requests that any reply be filed on or before May 19, 2020.

SO ORDERED

I have conferred with counsel for the government, Jason Richman, and he has no objection to this request. Mr. Rodriguez and I appreciate the Court's considerate attention to this matter.

SO ORDERED:

1/23/20

HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

Hon. Alison J. Nathan
Page 2 of 2

Respectfully submitted,

/s/ Ezra Spilke

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Cc: All counsel of record by ECF